IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.924 OF 2007

Nahalchand Laloochand Pvt. Ltd. & Ors. ... Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

Dr. Virendra Tulzapurkar with Mr. Virag Tulzapurkar i/b M/s. Doijode & Associates for the petitioners.

Mr. R.D. Bindra i/b Mr. Shivajirao Patil for respondent No.5.

Mr. P. Jadhav, A.G.P. for the State.

CORAM : SWATANTER KUMAR, C.J. &
SMT. RANJANA DESAI, J.

DATED : JULY 16, 2007.

P.C.:-

1. While questioning the correctness of caste certificate dated 19/5/2004 and order dated 8/2/2007, the petitioners, inter alia, contend that there was apparent violation of principles of natural justice inasmuch as a copy of the vigilance report was given to them but the annexures, on the basis of which the report was prepared, were not supplied to them. It was further stated that no proper opportunity was given to the petitioners of being heard.

2. The learned A.G.P. appearing for the respondent-State states that without prejudice to their rights and contentions, the Respondent-Committee will be willing to hear the petitioners on merits and also provide them all the requisite documents, in advance.

3. In view of this statement, nothing survives in this petition. Consequently, caste certificate dated 19/5/2004 and order dated 8/2/2007, both are set aside. The annexures/documents shall be furnished to the petitioners within two weeks from today. Thereafter, after hearing the petitioners, the respondent-Committee shall pass appropriate orders within four weeks, thereafter. Any construction that will be carried out shall be subject to the order that may be passed by the respondent-Committee.

4. It is made clear that we are not interfering with the order on merits. The present order is passed in view of the concession made by the learned counsel appearing for the respondents without their rights and contentions. The writ petition is disposed of leaving the parties to bear their respective costs.

[CHIEF JUSTICE]

[SMT. RANJANA DESAI, J.]